IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION No.22983 of 1994

Between:

1 Dharmasuthu Balu, S/o. Amar singh,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
2 D.Mangina, S/o. Amar Singh,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
3 Mohd.Jaffer, S/o. Fakeer Mohamad,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
4 Shangati Upplaiah, S/o. yellaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
5 Bashikala Bondaiah, S/o. Eraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
6 Daravath erya, S/o. Hemla,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
7 Bashikala Bixam, S/o. Eraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
8 Daravath Bodka, S/o. Lachaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
9 Paindla Yekaiah, S/o. Mallaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.

10 Boda Bichya, S/o. Vasuram,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
11 Shaganti Ilaiah, S/o. Chandraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
12 Shaganti Venkanna, S/o. Upplaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
13 Darmasoth Hatiya, S/o. Amar Singh,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
14 Shaganti Yenkaiah, S/o. Upplaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
15 Sk.Khaja Miya, S/o. Katiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
16 Kunday Kattaiah, S/o. Mallaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
17 Kamagani Subash, S/o. Mallaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
18 Boda Poriya, S/o. Vasuram,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
19 Dharamsoth Ery, S/o. Dasru,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
20 Mari Saraiah, S/o. Veeramallu,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
21 Chira Chinna Mallaiah, S/o. Mallaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
22 Dharmasotha Bhadru, S/o. Dasru,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
23 Kancha Malaiah, S/o. Chandraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
24 Dayala Mogilaiah, S/o. Komuraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
25 Chowtha Komuratiah, S/o. Pochaiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
26 Duragani Rama Chandru, S/o. Siviah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
27 Jajjari Veeraiah, S/o. Bucchaiah,
Ghajulaghat (V), Gudur(M),

Warangal Dist.
28 Kothapalli Rajalu, S/o. Venkataiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
29 Chavuta Narsaiah, S/o. Komuraiah,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
30 Dharmasoth Ramdhan, S/o. Lakya,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
31 Boda Venkiya, S/o. Vasuram,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
32 Nalamsa Somulu, S/o. Narayana,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
33 Md. Jaffer, S/o. Fakeer Mohd,
Ghajulaghat (V), Gudur(M),
Warangal Dist.
34 Md. Rehemaiah, S/o. Fakeer Mohd,
Ghajulaghat (V), Gudur(M),
Warangal Dist. **..... PETITIONERS**

AND

1 District Collector, Warangal.
2 Special Collector, Sri Ram Sagar Project,
Huda Complex ,Tarnaka , Hyderabad.
3 Special Deputy Collector, L.A.Unit,S.R.S.P..,
Warangal.
4 The Govt. of A.P., Rep.by Chief Secretrary,
Secretariat, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not initiating Land Acquisition proceedings and in not paying compensation to the lands of the petitioners in S.Nos.1 & 2 to an extent of Acs.19.17¾ guntas situated at Gajulaghat (V), Gudur (M), Warangal Dist., is highly arbitrary, bad and illegal and consequently direct the respondents to initiate Land Acquisition Proceedings and pass Award and pay compensation to the lands of petitioners in S.Nos.1 & 2 to an extent of Acs.19.17¾ guntas situated at Gajulaghat (V), Gudur(M), Warangal District.

Counsel for the Petitioners: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners claim to be true and absolute owners of the land admeasuring an extent of Acs.19-17¾ guntas in Survey Nos.1 and 2 of Gajulaghat Village, Gudur Mandal, Warangal District. Admittedly, the petitioners were in occupation of their land until the possession of it was taken-over pursuant to an agreement entered in the meeting convened on 06-05-1994 by the District Collector, Warangal. The land was taken-over as it was required for a public purpose of Sri Ram Sagar Project (for short 'SRSP') Canal. The SRSP canal D.B.M.40 is passing through the land adversely effecting the whole of the extent of land referred to above.

It is evident from the averments made in the affidavit as well as counter affidavit that the Forest Department raised dispute with regard to this land on account of which the petitioners filed O.S.No.57 of 1987 and even obtained a temporary injunction against the Forest Department. It is precisely for that reason, it was resolved in the meeting convened by the District Collector to deposit the amount in the Court of the learned District Magistrate, Narsampet, at the rate of Rs.30,000/- per acre, pending disposal of the dispute between the petitioners and the Forest Department. The fact remains that an amount of Rs.7,50,000/- towards payment of
compensation in respect of the land in dispute, has been deposited in the Court of the learned District Magistrate, Narsampet, vide cheque No.232770 dated 09-05-1994. After such deposit, the canal has been excavated as per the agreement dated 06-05-1994.

In the circumstances, the question of initiating land acquisition proceedings afresh, as such, does not arise. The petitioners are party to the agreement that was entered on
06-05-1994 pursuant to which the amounts payable in respect of the land towards compensation has been deposited in the District Munsif Court, Narsampet. The payment of the said amount obviously depends upon the result of the suit filed by the petitioners. Neither the amounts can be directed to be released in favour of the petitioners nor can there be a direction compelling the respondents to initiate the land acquisition proceedings. The interest of the petitioners is so well protected, when the moment of the suit is disposed of, and, if the same is decreed in favour of the petitioners, the amounts are liable to be paid to the petitioners.

The only direction that could be given in this writ petition is to direct the learned District Munsif, Narsampet, to dispose of O.S.57 of 1987 as expeditiously as possible within a period of four months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of without any order as to costs.

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(B. SUDERSHAN REDDY, J.)

Date:07-10-2004

ES/PV

To

1 The District Collector, Warangal.
2 The Special Collector, Sri Ram Sagar Project, HUDA Complex, Tarnaka , Hyderabad.
3 The Special Deputy Collector, L.A. Unit, S.R.S.P., Warangal.
4 The Chief Secretary, Government of A.P., Secretariat, Hyderabad.

5. The District Munsif, Narsampet, Warangal District.

6. Two C.Cs. to Government Pleader for Revenue, High Court Buildings, Hyderabad (O.U.T.).

7. Two C.D. copies